

DEQ: Permitting and Compliance Division		Agency/Program #: 5301-50-G1
		Division: Permitting and Compliance
		Program:
Agency Name:	Department of Environmental Quality	
Agency Contact:	Judy Hanson	444-0496
LFC Contact:	Representative Ripley, Representative Erickson	
LFD Liaison:	Barbara Smith	444-5347
OBPP Liaison:	James Chamberlain	444-1338

Program or Project Description:

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Appropriation, Expenditure and Source				
Fund Name:	2008		2009	
	Approp.	Expended	Approp.	Expended
General Fund				
State Special				
Federal Funds				
Total:	\$0	\$0	\$0	\$0

Approp & Expenditure numbers are as of August 29, 2008
 Not Provided

Legislative Goal(s):

Conduct effective water quality permit programs designed to issue complete, accurate, environmentally sound and legally defensible permits within statutory time frames..

Legislative Performance Measures :

PWS Programs

1. Issue 100% of required boil orders and health advisories.
2. Address 100% of violations related to treatment technique requirements, Maximum Contaminant Level violations and Significant Non-Compliers that are identified through quarterly compliance evaluations.
3. Conduct up to 520 compliance evaluations

2009 Biennium Significant Milestones:		Completion Dates	
		Target	Actual
1			
2			
3			
4			
5			
6			

Agency Performance Report:**PWS Program**

Currently the PWS is meeting the goal of issuing 100% of the required boil orders for the TCR (Total Coliform Rule) and health advisories within 24 hours of notification of bacterial contamination by the laboratories. This is attributed to very competent staff, good cooperation between the TCR Manager and the field offices in Kalispell and Billings, and to timely staff responses.

The second goal of addressing 100% of violations related to treatment technique violations, MSCL's (Maximum Contaminant Levels) and SNC's (Significant Non-Compliers) identified through quarterly compliances evaluations, is being addressed. The cooperation of technical staff, rule specialists, and dedicated staff has worked to address the backlog and current work load to achieve this level. Historically there has not been enough staff to implement new rules or look at trends in data to assess water quality data over a period of time. Adequate staffing would help to prevent possible disease outbreaks and help systems plan for future needs.

The third performance measure was to conduct the full number of sanitary surveys/compliance determinations required based on number of water systems that are due for review during that year. It was determined that 520 sanitary surveys would be required in FY2008. As of 9/8/2008, 88% of the survey evaluations were entered into the database. The 88% represents 452 completed, reviewed, and entered surveys. The number of surveys required for FY2008 did not take into full account the backlog surveys from previous years. The Department has a cooperative agreement with the DEQ Technical and Financial Assistance Bureau staff to perform evaluations in conjunction with their source water protection work at water supplies. There are several county contracts for performing compliance evaluations at water supplies for which the Department does not have an accounting until the county finalizes its report and submits it to the Department. One county has dropped the sanitary survey contract with the Department as of May 2008. In addition, more of these contracts are at risk of being canceled by the County Health Departments because the rising cost of conducting the inspections is not completely covered by the contracted payments. If these contracted services are lost, attainment of the goal may be in jeopardy as the Department's backlog increases.

The Governor's Office recently authorized an additional 12 FTE for this program. Assuming that the modified FTEs will be retained in future biennia, issues such as the backlog of sanitary surveys and conducting trend analysis of water quality data will be achievable.

This program goal includes portions of multiple bureaus. Neither the appropriations nor expenditures are readily isolated for these measures.

LFD Narrative:

LFD ASSESSMENT: Progress Report Needed

DATA RELEVANCE: The data receive addresses measures.

APPROPRIATION STATUS: The agency did not provide any appropriation or expenditure data. The agency does report on financial issues of concern such as not having enough staff and the challenges of rising costs. It is interesting that the agency can come to this conclusion, yet not be able to provide the workgroup with relevant expenditure data. The agency has been asked to provide the data at the October meeting.

COMMENTS/ISSUE: 1) The report does not indicate what percent of the of violations are being addressed, just that it is being addressed. If the reason for this goal is to prevent possible disease outbreaks, then the agency should be able to report what percentage of the violations are being addressed and if it is not 100%, then why? 2) 12% of the sanitary surveys were not completed, the workgroup may wish to inquire if there are public health risks associated with these incomplete reviews. 3) The report does not indicate which county opted out of their contract making it difficult to determine the risk and workload being transferred back to the agency. 4) The addi documented at 9.0 FTE on the budget document. The translation to 12 could be number of actual bodies or the agency may have redirected existing staff. This authorization coincided with the release of the EPA's report on the PWS in MT. The approval of FTE was not proactive but reactive. Concerns regarding the FTE and funding of PWS are contained in a report written for the full FTE.

OPTIONS for the committee:

1) accept the ranking and receive another report, 2) accept and dismiss, or 3) change to on-track

Version	Date	Author
5301-50-G1-CW-1	12/7/07	Smith

Change Description



5301-50-G1-CC-2	5/21/08	Smith
5301-50-G1	9/24/08	Smith

Workgroup Update